



CITY OF MEMPHIS

COUNCIL AGENDA

January 26, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 12, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Wiles-Smith Drugstore.

Conrad

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring the mission of Friends for Life and the positive impact it has on those living with HIV/AIDS. (Held from 1/12)

Fullilove

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION honoring the life of John Shelton Wilder. (Held from 1/12)

Flinn

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION commending the White Station High School Spartans football team and coaches on their outstanding 2009 season, wherein the Spartans won both the District 16 AAA and Class 6A State TSSAA championships.

Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

5. RESOLUTION approving an appeal located on the west terminus of Fairway Avenue, 1,300 feet west of Horn Lake Road.

Ford

Case No. S 09-012

Applicant/Appellant: Southern Housing Company

Request: Overturn the decision of the Land Use Control Board on November 12, 2009 which rejected a subdivision plan for 156 lots for single family homes

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON JANUARY 15, 2010

6. RESOLUTION approving an appeal located on the east side of Old Getwell Road, 256 feet south of Premier Avenue.

Ford

Case No. S 09-013

Applicant/Appellant: Ronald Anglin

Request: Overturn the decision of the Land Use Control Board on November 12, 2009 which requires the applicant to install curb, gutter, sidewalk and landscaping on the Old Getwell Road frontage of the proposed subdivision and install sidewalk on the New Getwell Road frontage of the proposed subdivision

LUCB and OPD recommendation: Deny a variance to the improvements

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON JANUARY 15, 2010

7. RESOLUTION approving a use variance located on the northwest corner of Lamar Avenue and Central Avenue, containing 2.1 acres in the Highway Commercial (C-H) District.

Ford

Case No. UV 09-05

Applicant: Memphis Housing, LLC (Tony Crosby and Joe Harris)
SR Consulting (Cindy Reaves) - Representative

Request: A use variance for an Assisted Living Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

92 NOTICES MAILED ON JANUARY 15, 2010

8. RESOLUTION approving a use variance located on the south side of Faxon Avenue; +/- 472.60 feet east of National Street, containing 0.229 acre in the Duplex Residential (R-D) District. (Held from 1/12)

Ford

Case No. UV 09-06

Applicant: Mid-South Outlet Store/Dee Bradford, Terry Neuenschwander
Bill Fuller – Representative

Request: A use variance for a new parking lot to serve 3432 Summer Ave.

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES MAILED ON DECEMBER 31, 2009

DIVISION OF PLANNING & DEVELOPMENT

9. RESOLUTION approving a hotel waiver for Real Value Inn located at 3896 Lamar.

Ford

Case No. HMW 09-05

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving a special use permit located on the north side of Raines Road; +/-330 feet east of Opportunity Road intersection, containing 15.6 acres in the Heavy Industrial (I-H) District.

Ford

Case No. SUP 09-216

Applicant: Roy and Doris Heath, d/b/a R & D Enterprises
Lorenzo Lester - Representative

Request: Cemetery

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

11. RESOLUTION directing the Office of Planning and Development to work with the Memphis Regional Design Center and Midtown Development Corporation to develop a Midtown Overlay.

Flinn

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION directing the Office of Planning and Development to work with the University of Memphis and the South Memphis Renaissance Collaborative to present the South Memphis Plan for adoption by the Land Use Control Board and Memphis City Council.

Fullilove &
Ford

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

13. **ORDINANCE** rezoning the northwest corner of North Bellevue and Smith Avenue, containing 0.26(11,325.60 sq. ft.) in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Ford

Ordinance No. 5342
Case No. Z 09-107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

108 NOTICES MAILED ON JANUARY 15, 2010



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

14. **ORDINANCE** to amend the Code of Ethics Ordinance 5206, Chapter 2.5, Article I, Section 2-10-5 (1), up for F I R S T reading.

Strickland &
Collins

Ordinance No. 5344

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

15. **RESOLUTION** accepting LAMAR CROSSING P.D., PHASE 2, AREA A and authorizing release of bond.

Case No. PD 06-313
(Contract No. CR-5090)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the corner of Lamar Avenue and Dunn. The standard improvement contract was approved on August 31, 2007. Resolution also authorizes the release of the performance bond in the amount of \$58,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

16. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 09-326 – Memphis Business Academy P.D.

Located on the southeast corner of Overton Crossing Road and Frayser Boulevard, containing 8.32 acres in an area currently governed by K-Mart Planned Development (PD 87-325)

Applicant: Memphis Business Academy (Anthony Anderson)
Fisher and Arnold, Inc. – Representative

Request: Planned development to allow Planned Commercial (C-P) District land uses, including a charter school for 550 middle and high school students

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 9, 2010

GENERAL ITEM

17. RESOLUTION commending Anaya Suggs whose heroic actions saved the lives of her family members. (Held from 1/12)

Hedgepeth

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

18. RESOLUTION awarding 24-month contracts for electric meters as follows: (Held from 1/12)

Landis & Gyr c/o Stuart C. Irby.....	\$773,160.00
H D Supply Company.....	<u>278,375.00</u>
Total.....	<u>\$1,051,535.00</u>

19. RESOLUTION approving Change No. 4 to Contract No. 10985, Master Lease Agreement, with SkillSoft Corporation in the funded amount of \$11,529.72, for a new contract value of \$174,635.97. (This provides MLGW with a Library License for Business Courseware Collection with an audience size of 150 employees covering the period January 31, 2010 to January 30, 2011 and covers a change in the course curriculum offered by SkillSoft to train MLGW employees for various work-related tasks).
20. RESOLUTION awarding 48-month contract for the rental of copy machines to RJ Young Company in the amount of \$612,948.00.
21. RESOLUTION extending contracts with NovaCopy and The Office Products Store c/o Konica Minolta Business Solutions to March 1, 2010 for the rental of copy machines and ratifying expenditure of funds in the amount of \$12,877.39 since the expiration of these contracts on August 10, 2009.
22. RESOLUTION awarding contract for luminaire pendants to Industrial Sales Company in the amount of \$69,220.80.



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REGULAR AGENDA

23.
Strickland

APPOINTMENTS

Memphis Area Transit Authority

Reappointment

Fred D. Johnson

Memphis and Shelby County Center City Revenue Finance Corporation

Appointment

Carla Peacher-Ryan

Memphis and Shelby County Cross Connection Board

Appointment

Odell Johnson, Jr.

GENERAL ORDINANCES -THIRD AND FINAL READING

24. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18; 9/1; 9/15; 12/1; 1/12)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading. (Held from 12/1; 12/15)

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

26. **TECHNICAL CORRECTION ORDINANCE** for clerical errors on ordinances previously passed and signed, but not yet codified as follows: Ordinance No. 5223, Sell of Beer off Premises, Ordinance No. 5317, Inspection of Motor Vehicles and Ordinance No. 5327, Board of Ethics Membership Requirements, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5343

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

27. RESOLUTION appropriating \$45,011.60 for CIP Project Number IS01053, Treasury System Upgrade, which was approved by City Council in the FY2010 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

28. RESOLUTION transferring \$32,787.00 from FY10 Capital Acquisition #GS0210H to #GS0210F for funds necessary to purchase a fuel truck. There is no change in the approved budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

29. RESOLUTION transferring an allocation of \$35,000.00 from Contract Construction to Furniture Fixtures and Equipment and appropriating \$135,000.00 for Furniture Fixtures and Equipment with the low complying bid from Office Scapes, Inc., for the Police Academy Renovations, CIP Project Number PD01006, as part of the FY09 Capital Improvement Program, funded by G.O. Bonds General.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

30. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation of \$2,750,000.00 funded by G.O. Bonds (Storm Water) from Major Drainage Rehab/Replace, Project Number ST03098, to Infrastructure Rehab FY09, Project Number ST03115, for rehab of storm drainage infrastructure. Resolution also appropriates \$2,750,000.00 funded by G.O. Bonds (Storm Water) for Infrastructure Rehab FY09, Project Number ST03115, for a construction contract with Ferrell Paving, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

31. RESOLUTION by the Memphis City Council of Shelby County, Tennessee, requesting the Shelby County Delegation to support, and members of the Tennessee General Assembly to enact, legislation as proposed by the City of Memphis' Legislative Agenda 2010.

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2010 Operating Budget by appropriating an additional \$50,000.00 for the Tire Redemption Program.

Collins

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

33. RESOLUTION encouraging the Tennessee General Assembly to support and designate funding for the Memphis Research Consortium.

Strickland

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Failed
6. Approved
7. Held until February 9, 2010
8. Failed
9. Held until February 9, 2010
10. Through 12 – Approved
13. Held until February 23, 2010
14. & 15 – Approved
16. Public Hearing Set for February 9, 2010
17. Through 23 – Approved
24. Held until February 9, 2010
25. Held until February 23, 2010
26. Through 31 – Approved
32. Held until February 9, 2010
33. Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 12, 2010 MEETING

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEM #18 FROM TONIGHT'S MEETING

Approved